



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGIONS 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

EPA Region 5 Records Ctr.



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OCT 05 2006

REPLY TO THE ATTENTION OF: SR-6J

Mr. Paul Mahler  
Corporate Counsel  
Menards, Inc.  
4777 Menard Drive  
Eau Claire, WI 54703

**Re: Unilateral Administrative Order for Remedial Action  
Fadrowski Drum Disposal Site, Franklin, Wisconsin**

Dear Mr. Mahler,

This letter regards the Unilateral Administrative Order (UAO), effective May 21, 1993, to Menards, Inc. for the conduct of a remedial action at the Fadrowski Drum Disposal Site ("the Site") in Franklin, Wisconsin. Over the course of the past months Menards, through its consultant Ayres Associates, has made known its request to have the UAO terminated by the U.S. Environmental Protection Agency (EPA).

Section XXIV (Effective Date and Termination), Paragraph 91 of the UAO states that the provisions of this UAO shall be deemed to be satisfied when EPA notifies the Respondents in writing that they have demonstrated, to EPA's satisfaction, that all terms of the Order have been completed. However, the notice does not terminate Menards' obligation to comply with Paragraph 72 of the Order relating to record preservation.

Section VII (Work to be Performed), Paragraphs 41-47 and the Scope of Work for Remedial Action attached to the UAO, constitutes the comprehensive work to be performed under the UAO. EPA, in conjunction with the Wisconsin Department of Natural Resources (WDNR), has overseen the performance of the remedial action at the Site, completed in September 1993, and the required operation and maintenance. Since then, two statutory five-year reviews, as required under Section 121(c) of CERCLA and Section IX (EPA Periodic Review) of the UAO, were conducted by EPA and WDNR.

Operation and maintenance at the Site has been conducted by Menards. EPA and WDNR confirmed that the remedial action performed at the Site was effective, and that the Site poses no risks to the community or environment.

EPA has stated that it is willing to allow Menards' obligations under the UAO to be placed in a State of Wisconsin Agreed Order, but that Order must contain the equivalent remaining obligations and be enforceable. On March 28, 2005, the State of Wisconsin signed Consent Order No. 2004-SEEE-167 with Menards for the fulfillment of future

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operation and maintenance activities and other requirements which may affect potential development of the property. EPA is satisfied that the State of Wisconsin's Consent Order with Menards encompasses all of Menards' obligations under the 1993 UAO. Further, EPA finds that the terms of the UAO have been completed to its satisfaction and the UAO can be considered terminated by notice of this letter. **2003 SEP 10**

If you have any questions regarding this letter, please contact Sheila Sullivan, Remedial Project Manager, at (312) 886-5251 or Richard Nagle, Assistant Regional Counsel, at (312) 353-8222.

Sincerely yours,



Richard C. Karl, Director  
Superfund Division

cc: Lori Rosemore, P.G., Ayres Associates  
Judith Ohm, Bureau of Legal Services, WDNR  
Binyoti, Amungwafor, Project Manager, WDNR